

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION No.: 03 CV 12573 EFH

BERNADINE T. GRIFFITH

Plaintiff

vs.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

Defendants

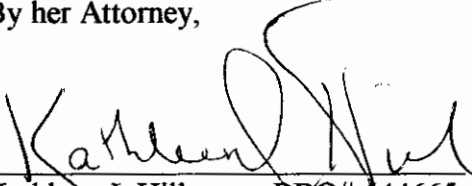
**OPPOSITION TO DEFENDANT'S MOTION TO EXTEND TIME FOR PRODUCTION OF
THE EXPERT REPORT OF HARVEY S. WAXMAN, PH.D.**

NOW COMES the plaintiff, Bernadine T. Griffith, in accordance with Local Rule 7.1, who renews and readopts her Opposition to Defendant's Motion To Conduct Rule 35 Examination herein and opposes the Defendants' Motion To Extend Time For Production of the Expert Report of Harvey S. Waxman, Ph.D. on the following grounds: (1) the plaintiff renews her objection to and raises a continuous objection to the taking of the mental examination conducted by Dr. Harvey S. Waxman; (2) the plaintiff did not call for the production of the alleged "expert report of Harvey S. Waxman, Ph.D."; (3) no expert has been named by either the plaintiff or the defendant in this action; (4) the plaintiff has made no waiver; and, (5) the plaintiff affirmatively asserts and exercises the psychotherapist-patient privilege, in accordance with Rule 35 and federal common law. See Exhibit A, Opposition To Defendants' Motion To Conduct Rule 35 Examination.

WHEREFORE, the plaintiff respectfully requests the Honorable Court issue an order denying the Defendants' Motion To Extend Time For Production of The Expert Report of Harvey S. Waxman, Ph.D..

Respectfully submitted,
BERNADINE T. GRIFFITH
By her Attorney,

Date:


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CERTIFICATE OF SERVICE

I, Kathleen J. Hill, certify that I served a true and accurate copy of the foregoing Plaintiff's Opposition to Defendants' Motion To Extend Time For Production Of The Expert Report Of Harvey S. Waxman, PH.D. on the counsel of record: *Keith B. Muntyan and Leah M. Moore*, of Morgan, Brown & Joy, Two Hundred State Street, 11th Floor, Boston, Massachusetts 02109 by facsimile and pre-paid U.S. Mail and facsimile on this 12th day of July 2005.


Kathleen J. Hill BBO# 644665